

### **REMARKS**

In response to the Office Action mailed July 27, 2005, Applicant amended Claims 1, 9, 15 and 21; and cancelled Claims 5, 13, 19, 22 and 23. Claims 1-4, 6-12, 14-18, 20-21 and 24-26 are now pending.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### **I. Allowed Subject Matter**

The Office Action stated Claims 5, 13, 19, and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant rewrote Claim 5 in independent format (now Claim 1) so as to include all of the limitations of the base claim. In particular, the scope of Claim 5 has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. Thus, Claim 1 is patentably distinct from the cited references and is now in a condition for allowance. Moreover, for at least the same reason, claims now depending from Claim 1 – namely, Claims 2-4 and 6-8 – are in a condition for allowance.

Similarly, Applicant rewrote dependent Claim 13 in independent form (now Claim 9) so as to incorporate all of the limitations of the base claim and any intervening claims. Thus, as acknowledged by the Examiner, Claim 9 is now in a condition for allowance. Further, for at

least the same reason as stated by the Examiner, claims depending from Claim 9 – namely, Claims 10-12 and 14 – are in a condition for allowance.

Applicant also rewrote dependent Claim 19 in independent form (now Claim 15) so as to incorporate all of the limitations of the base claim and any intervening claims. Thus, as acknowledged by the Examiner, Claim 15 is now in a condition for allowance. Further, for at least the same reason as stated by the Examiner, claims depending from Claim 15 – namely, Claims 16-18 and 20 – are in a condition for allowance.

Applicant also rewrote dependent Claim 23 in independent form (now Claim 21) so as to incorporate all of the limitations of the base claim and any intervening claims. Thus, as acknowledged by the Examiner, Claim 21 is now in a condition for allowance. Further, for at least the same reason as stated by the Examiner, claims depending from Claim 21 – namely, Claims 24-26 – are in a condition for allowance.

In summary, pending Claims 1-4, 6-12, 14-18, 20-21 and 24-26 should now be allowable. Accordingly, Applicant respectfully requests that a Notice of Allowance be promptly issued.

## **II. Rejection Under 35 U.S.C. § 103(a)**


The Office Action rejected Claims 1-4, 6-12, 14-18, 20-22, and 25-26 under 35 U.S.C. § 103(a) as being unpatentable over the *Stoll* reference (U.S. Patent No. 6,236,478) in view of the *Roberts* reference (U.S. Patent No. 6,522,436) and the *Oikawa* reference (U.S. Patent No. 6,810,215). Applicant traverses this rejection for obviousness on the grounds that the cited references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims. Nevertheless, as discussed above, all pending claims are now patentably distinct from the cited references. Accordingly, Applicant respectfully requests that this Section 103(a) rejection be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

DATED this 24 day of October, 2005.

Respectfully submitted,



RICHARD C. GILMORE  
Attorney for Applicant  
Registration No. 37,335

**Customer No. 22,913**

WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707  
E-mail: [rgilmore@wnlaw.com](mailto:rgilmore@wnlaw.com)